



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PGCPB No. 13-139

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco
File No. 4-13001

RESOLUTION

WHEREAS, Pleasant Investments LTC Partnership is the owner of a 43.67-acre parcel of land known as Tax Map 99 in Grid E-3 and is also known as Parcel 57, said property being in the 15 Election District of Prince George's County, Maryland, and being zoned Limited Intensity Industrial (I-4); and

WHEREAS, on September 5, 2013, Pleasant Investments LTC Partnership filed an application for approval of a Preliminary Plan of Subdivision for 3 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-13001 for Kaine Property was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on November 21, 2013, for its review and action in accordance with the Land Use Article of the Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on November 21, 2013, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-004-13), and further APPROVED Preliminary Plan of Subdivision 4-13001, Kaine Property, including a Variance to Section 25-122(B)(1)(G) for 3 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Revise the right-of-way dedication to delineate 40 feet from the centerline of Old Marlboro Pike on Parcel 3.
 - b. Revise Note 13 to include the correct approval and expire date for Stormwater Management Concept Plan 11586-2010-00.
 - c. Provide the dimension on the width of the right-of-way dedication on the "inset."
 - d. Label the sewer line extension onto the property.
 - e. Remove the "BRL" table.

PGCPB No. 13-139

File No. 4-13001

Page 2

- f. Add the Sustainable Growth Tier to the general notes.
 - g. Remove the equestrian trail easement.
 - h. Provide the disposition of the existing parking lot on proposed Parcel 3.
 - i. Provide the distance on all parcel lines and street frontages for each lot line.
2. Development of this site shall be in conformance with Stormwater Management Concept Plans 11586-2010-00 and 6782-2013-00, and any subsequent revisions.
3. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised as follows:
 - a. Remove the 6.88-acres of woodland as a proposed woodland conservation mitigation bank and revise the plan and worksheet to show the entire woodland requirement being met with on-site preservation. Any remaining requirement, if over an acre, shall be met with on-site planting or off-site mitigation to be obtained at the time of permit.
 - b. Add the symbol for the limit of disturbance in the legend.
 - c. Show the utility and easement symbols on the plan and in the legend.
 - d. Enhance the labels for all woodland conservation areas to be more legible. The labels should be shown outside of the site with an area pointing to the specific woodland conservation area.
 - e. Revise the symbol for the bioretention facilities to be different from the woodland reforestation symbols. Show the symbol in the legend.
 - f. Add a specimen tree chart and include a disposition column to indicate whether each tree is to be saved or removed.
 - g. Remove the notes shown on the plan and add the required TCP1 notes as found in the Environmental Technical Manual.
 - h. Revise the worksheet as necessary using the official TCP worksheet.
 - i. Have the revised plan signed and dated by the qualified professional who prepared it.
4. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

PGCPB No. 13-139

File No. 4-13001

Page 3

“This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and Folio reflected on the Type 2 Tree Conservation Plan, when approved.”

5. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

6. Prior to signature approval of the preliminary plan of subdivision, the applicant shall revise the first paragraph of the specimen tree variance request letter dated May 9, 2013 to read “two (2)” instead of “one (1).”
7. At the time of final plat, the applicant and the applicant’s heirs, successors, and/or assignees shall grant a ten-foot-wide public utility easement along the public rights-of-way of Old Pike Way and Old Marlboro Pike as delineated on the approved preliminary plan of subdivision.
8. At the time of final plat, the following note shall be placed on the plat:

“This plat lies partially within the JLUS Interim Land Use Controls area as established by Subtitle 27, Part 18 (CB-3-2012).”

9. Total development within the subject property shall be limited to uses which generate no more than 49 (39 in, 10 out) AM peak hour trips and 49 (10 in, 39 out) PM peak hour trips. Any development generating an impact greater than that identified herein-above shall require a new preliminary plan of subdivision and a determination of the adequacy of transportation facilities.
10. At the time of final plat approval, the applicant and the applicant’s heirs, successors, and/or assignees shall dedicate 40 feet of right-of-way from the centerline of Old Marlboro Pike as delineated on the approved preliminary plan of subdivision.
11. Residential development shall require approval of a new preliminary plan of subdivision prior to approval of any building permits.
12. Prior to building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall provide the following in accordance with the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* recommendation:

PGCPB No. 13-139

File No. 4-13001

Page 4

- a. A minimum four-foot-wide sidewalk along the entire subject property frontage of Old Marlboro Pike, unless modified by the Department of Public Works and Transportation (DPW&T).
13. Prior to approval of any building permits for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities, in accordance with Section 24-124.01 of the Subdivision Regulations, (a) have full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Provide a four-foot-wide sidewalk within the public right-of-way along the south side of Old Pike Way from the property's frontage to the sidewalk in Dower House Road.
14. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall provide permit plans that address the following:
 - a. Provide two u-shaped bicycle parking spaces close to the main entrance to each of the proposed buildings, for a total of six bicycle parking spaces. The racks shall be anchored into a concrete base.
 - b. Provide full cut-off optic light fixtures throughout the site to reduce light intrusion into the on-site and adjacent natural areas.
 - c. Provide an automatic fire suppression system for all new buildings proposed on-site, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
15. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall submit evidence that the tires found on the property have been hauled away by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on Tax Map 99 in Grid E-3 and is known as Parcel 57. The property consists of 43.67 acres within the Limited Intensity Industrial (I-4) Zone. Parcel 57 was created by deed, has never been the subject of a preliminary plan of subdivision (PPS) approval, and is a legal parcel. The current configuration of Parcel 57 is the result of the creation of the abutting Parcel 1, Outlot 1, and dedication for the right-of-way of Old Pike Way to the northwest of the site. Parcel 1 and Outlot 1 are subject to approved Preliminary Plan of

PGCPB No. 13-139

File No. 4-13001

Page 5

Subdivision 4-0317, recorded in Plat Book REP 210-09 on January 9, 2006, and was a legal division of land under the Subdivision Regulations. The subject property is currently undeveloped, with the exception of several small structures that are to be razed.

3. **Setting**—The subject property is located on the south side of Old Marlboro Pike, approximately 2,300 feet east of its intersection with Dower House Road. The neighboring properties to the north are in the Commercial Shopping Center (C-S-C) Zone and are developed with commercial uses. The neighboring properties to the west and east are in the I-4 Zone and developed with industrial uses and vacant land. The neighboring properties to the southwest are in the Heavy Industrial (I-2) Zone and developed. The neighboring properties to the southeast are in the Light Industrial (I-1) Zone and developed with warehouses.
4. **Development Data Summary**—The following information relates to the subject PPS application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	I-4 Undeveloped	I-4 Warehouses, offices, and a construction yard (122,500 sq. ft.)
Acreage	43.67	43.67
Lots	0	0
Outparcels	0	0
Parcels	1	3
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	Yes
Variation	No	(Section 25-122(b)(1)(G)) No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on September 27, 3013.

5. **Community Planning**—The General Plan designates the subject property within the Developing Tier and the Economic Development goal area. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density, suburban, residential communities; distinct commercial centers; and employment areas that are increasingly transit-serviceable. The goal of the Economic Development area is to encourage quality economic development at appropriate locations to increase employment opportunities, income, and the tax base within Prince George's County. This area is a defined employment center east of the Pearl Harbor gate of Joint Base Andrews (JBA), and the county is working collaboratively with the military to build on this economic generator. The PPS is consistent with the General Plan's vision for the Developing Tier and the Economic Development goal area by proposing a moderate-density industrial use development. Approval of

PGCPB No. 13-139

File No. 4-13001

Page 6

this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

The subject property is located in the 2013 *Approved Subregion 6 Master Plan and Sectional Map Amendment* (Subregion 6 Master Plan and SMA). The property was retained in the I-4 Zone by the Subregion 6 Master Plan. This PPS is in conformance with the Subregion 6 Master Plan and SMA recommendations for an industrial land use and the economic development recommendations for an employment area at this location.

This property is within the JBA Interim Land Use Control (ILUC) area. The property is within Imaginary Surface D, establishing a height limit of 150 feet above the runway surface, which will be evaluated at the time of permits. This property is within the 65 to 75 dBA Ldn noise contours; however, noise attenuation is not required for industrial uses. The property is not in an accident potential zone, so no controls on use or density are required. These categories do not prevent any of the proposed development and should be noted on the PPS and any future building permits.

6. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the development of this property, which will be evaluated at the time of permits.

2010 Prince George's County Landscape Manual

Landscaping, screening, and buffering of development in the I-4 Zone is subject to the requirements of the Landscape Manual. More particularly, the application is subject to Section 4.2, Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; Section 4.7, Buffering Incompatible Uses; and Section 4.9, Sustainable Landscaping Requirements.

Zoning Ordinance

Section 27-473, Uses Permitted, of the Zoning Ordinance specifies the uses that are permitted in the I-4 Zone. Warehousing, storage yards, and offices accessory to a permitted use are permitted by-right in the I-4 Zone. Medical practitioner's offices or other offices less than three stories in height and not exceeding 33 percent of the net tract area in a development comprising a gross tract area of at least 25 acres are permitted subject to detailed site plan (DSP) approval. Other offices are permitted subject to special exception approval.

Conformance with Section 27-472, Regulations, of the Zoning Ordinance is required for the proposed development, and will be evaluated at the time of permit, DSP, or special exception review, whichever is applicable.

Conformance with Section 27-474, I-4 Zone (Limited Intensity Industrial), of the Zoning Ordinance is required for the proposed development, and will be evaluated at the time of future review. Specifically, the following is required:

PGCPB No. 13-139

File No. 4-13001

Page 7

- a. At least 25 percent of the net lot area is required to be maintained as green area. The required green area may not include landscape strips adjacent to a public right-of-way that are required pursuant to the Landscape Manual.
 - b. Outdoor storage may not be visible from a street.
 - c. The combined floor area ratio of all buildings on a lot may not exceed 0.3.
7. **Environmental**—This PPS has been reviewed for conformance to the environmental regulations within Division 5 of the Subdivision Regulations, the Woodland and Wildlife Habitat Conservation Ordinance (WCO), and the appropriate area master plan. A signed Natural Resources Inventory (NRI-035-12) and Type 1 Tree Conservation Plan (TCP1-004-13) for the subject property has been received and reviewed.

Conformance to the Master Plan

The master plan for this area is the 2013 Subregion 6 Master Plan and SMA. In the Subregion 6 Master Plan and SMA, the Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance.

POLICY 1: Protect, preserve and restore the identified green infrastructure network and areas of local significance within Subregion 6 in order to protect critical resources and to guide development and mitigation activities.

Over seventy percent of the site is within the 2005 *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan) network and contains regulated, evaluation, and network gap areas. The regulated areas are associated with the on-site stream system. The evaluation area is centrally located and primarily wooded. The network gap areas are primarily located at the western and eastern portions of the site and are also primarily wooded. The TCP1 proposes to preserve the majority of the regulated areas with the exception of two impacts for stormwater outfall structures and one impact for a sewer connection as discussed further in the Primary Management Area finding. A significant portion of the evaluation and network gap areas are proposed to be impacted for development. The most critical natural resource, the stream system, will be protected through preservation.

POLICY 2: Restore and enhance water quality in degraded areas and preserve water quality in areas of streams and watersheds.

This development proposal is to construct three commercial/industrial pad sites with parking. The site has an approved Stormwater Management Concept Letter (11586-2010-00). The TCP1 shows one stormwater management pond, one large

PGCPB No. 13-139
File No. 4-13001
Page 8

bioretention, and six micro-bioretention facilities to handle stormwater management for the entire project.

As part of the stormwater approval, this project is required to replace the undersized culvert pipe at Dower House Road to help reduce flooding.

POLICY 3: Increase planning and information data collection efforts at the watershed level, raising the profile and awareness about the importance of shared aquifers and other resources to water quality and water supply.

The Environmental Technical Manual (ETM) establishes the methods and resources to collect and compile the most current water resources data on sites proposed for future development. The subject property has a stream system on-site. The NRI, approved in conformance with the ETM, indicates that the site is not within a stronghold watershed, is not within an aquifer zone, is not a Tier II water body, and does not contain any wetlands of special state concern. The wooded areas within the on-site stream buffer are proposed to be preserved which will preserve some natural water quality functions on-site. As shown on the TCP1, the applicant proposes two stormwater management ponds and six micro-bioretention facilities to handle on-site stormwater runoff for the proposed development.

POLICY 4: Protect, restore and enhance the Chesapeake Bay Critical Area.

The subject property is not located in the Chesapeake Bay Critical Area.

POLICY 6: Increase awareness regarding air quality and greenhouse gas (GHG) emissions and the unique role that the Developing and Rural Tiers in Subregion 6 have to play in this effort.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

POLICY 7: Encourage the use of green building techniques and community design that reduce resource and energy consumption.

The development applications for the subject property which require architectural approval should incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques should be encouraged and implemented to the greatest extent possible.

POLICY 8: Reduce energy usage from lighting, as well as light pollution and intrusion into residential, rural, and environmentally sensitive areas.

PGCPB No. 13-139
File No. 4-13001
Page 9

The site is zoned I-4 and proposes to construct three buildings with associated parking. There are no residential areas adjacent to the site; however, light intrusion into the on-site natural areas to be preserved and the adjacent off-site natural areas should be protected from light intrusion. The use of full cut-off optics for the site is recommended for the reduction of sky glow.

POLICY 9: Reduce adverse noise impacts to meet acceptable state noise standards.

The project proposes to construct three building sites with associated parking and stormwater management facilities. No residential uses are proposed. Noise mitigation analysis and mitigation is not required.

Conformance with the Green Infrastructure Plan

Over 70 percent of the site (71 percent) is located within the designated network of the Green Infrastructure Plan and includes all three designations: regulated, evaluation, and network gap areas. The regulated area consists primarily of the on-site and off-site stream system. The off-site stream is located meandering along the southern property line and drains to the east where it meets at the confluence with another branched stream system. The evaluation area is located centrally and the network gap area is located primarily on the western and eastern portions of the site.

The Type 1 Tree Conservation Plan (TCP1-004-13) proposes to preserve the regulated area with the exception of two impacts for stormwater outfalls and one impact for sewer connection. Portions of the network gap and evaluations areas are proposed to be graded to accommodate stormwater management and site grading. The applicant has submitted a statement of justification for the impacts and it is discussed further in the Primary Management Area finding. The combination of preservation and reforestation as proposed is in general conformance with the Green Infrastructure Plan. The following policies support the stated measurable objectives of the Countywide Green Infrastructure Plan:

POLICY 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The proposed development is in keeping with the goals of the Green Infrastructure Plan and the General Plan by preserving the most sensitive features on the site and concentrating development in the more developable areas of the site.

POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

This development proposal is to construct three building sites with parking. A Stormwater Management Concept Letter (11586-2010-00) for proposed Parcels 1 and 2 was approved on October 11, 2013 and is valid until October 11, 2016. A Stormwater Management Concept Letter (6782-2013-00) for proposed Parcel 3 was approved on April 2, 2013 and

PGCPB No. 13-139

File No. 4-13001

Page 10

is valid until April 2, 2016. The applicant proposes one stormwater management pond, one bioretention, and six micro-bioretention facilities to handle stormwater management for the entire project. The stormwater management pond is proposed to be on Parcel 2 and the bioretention facilities are to be located on Parcel 3. A fee in lieu of providing on-site attenuation/quality control measures will be required as part of the stormwater management plan. To prevent on-site flooding, the applicant is required to replace the undersized culvert for Charles Branch that is located under Dower House Road, off-site to the west.

POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The property is partially wooded and is subject to the WCO. The TCP1 shows extensive grading due to the existing topography for parking and proposed building and stormwater management structures. The project proposes to remove 44 percent of the on-site woodlands. The total amount of required woodland conservation, based on the amount of clearing currently proposed, is 17.15 acres. The woodland conservation requirement is proposed to be satisfied with on-site preservation and on-site reforestation. The preservation is located in a priority area within the regulated and evaluation areas of the green infrastructure network. The reforestation is located in an open area where grading is proposed. There are eight specimen trees on-site and two of these trees are proposed to be removed.

POLICY 4: Promote environmental stewardship as an important element to the overall success of the Green Infrastructure Plan.

The use of environmentally-sensitive building techniques and overall energy conservation should be encouraged.

The proposed tree conservation is in conformance with the Countywide Green Infrastructure Plan.

Environmental Review

An approved Natural Resources Inventory, NRI-035-12, signed February 14, 2013 was submitted with the application. The forest stand delineation indicates three forest stands totaling 40.0 acres and the site has a total of eight specimen trees. No revisions are required for conformance to the NRI.

A review of the information available indicates that there are streams, wetlands, steep slopes, 100-year floodplain, and PMA in the central portion of the site and along the southern property line associated with Charles Branch. The site drains to the southeast to the on-site Charles Branch, in the Patuxent River basin. There are steep slopes located on-site and the predominant soil types on the site are Beltsville-Urban land complex, Fallsington sandy loam, Marr-Dodon complex, Gravel Pit, Sassafras-Urban land complex, Udorthents, and Udorthents-Urban land complex. Marlboro

PGCPB No. 13-139

File No. 4-13001

Page 11

clay is not found to occur in the vicinity of this property. This information is provided for the applicant's benefit. The county may require a soils report in conformance with CB-94-2004 during the building permit process review. Based on information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or adjacent to this site. No adjacent roadways are designated as historic or scenic roads. The site has frontage on Old Marlboro Pike, a master-planned collector roadway which is not regulated for noise. There is no proposed residential use with the development.

The woodland conservation threshold for this site is 5.71 acres (15 percent). The total amount of required woodland conservation, based on the amount of clearing currently proposed, is 17.15 acres. The woodland conservation requirement is proposed to be satisfied with 9.53 acres of on-site preservation and 0.74 acre of on-site reforestation. An additional 6.88 acres of woodland has been shown as being in a future off-site mitigation bank on this site. The preservation is located in a priority area within the regulated and evaluation areas of the green infrastructure network. The reforestation is located in an open area where grading is proposed. As proposed, the total requirement for this site is not fully being met.

On-site woodland preservation is always the first available option to be used when satisfying a woodland conservation requirement before any other options can be considered. The plan has a 17.15-acre requirement. After the proposed clearing, the site has a remainder of 16.42 acres of existing woodland, most of which could be used as on-site preservation; however, the TCP1 originally showed 6.88 acres being placed into a mitigation bank to be used as off-site credits for other properties. The 6.88 acres are shown in two separate sections, 5.75 acres on the west side of the site and 1.06 acres on the east side of the site.

This method is not supported because the site's on-site requirement must be met on-site to the fullest extent possible before any other methods can be used. The 6.88 acres of woodland as a proposed woodland conservation mitigation bank should be removed and revise the plan to show the existing woodland to remain being used to meet the on-site preservation requirement. Any remaining requirement (if over an acre) shall be met with on-site planting or off-site mitigation to be obtained at the time of permit.

The plan requires technical revisions to be in conformance with the WCO. The symbol for the limits of disturbance is not shown in the legend. The legend does not show symbols for utilities and easements that are shown on the plan. The symbol shown as woodland reforestation is too similar to the symbol used for the proposed micro-bioretenention facilities and the stormwater pond located on Parcel 3. The applicant should revise the symbol for the micro-bioretenention facilities and show it in the legend. There are woodland conservation area identification labels located in areas that are unreadable due to underlining and other overlapping symbols, which should be revised to be more legible. The property boundary is not visible in some areas and should be revised to be more visible. There is no specimen tree chart on the plan. A specimen tree chart should be added to include a column that states the future disposition of each specimen tree (save or remove). There are TCP notes shown on the submitted plan, but they are not the required notes. The plan should be revised to add all of the required ten general TCP1 notes and supporting

PGCPB No. 13-139
File No. 4-13001
Page 12

information on the plan as found in the ETM. These notes shall have all of the required information filled out to complete the note.

In accordance with Section 25-122(d)(1)(B), woodland conservation is required to be placed in a conservation easement, which will be required at the time of approval of the Type 2 tree conservation plan (TCP2). The liber and folio of the easement will be reflected on the TCP2.

8. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include streams, wetlands and wetland buffers, and 100-year floodplain. Section 24-130(b)(5) states:

- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by the Prince George's County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

If impacts to the regulated environmental features are proposed, a statement of justification must be submitted in accordance with Section 24-130 of the Subdivision Regulations. A revised letter of justification for impacts to regulated environmental features was submitted on October 10, 2013, dated October 9, 2013, and a revised letter of justification was submitted on November 7, 2013, dated November 6, 2013.

PGCPB No. 13-139

File No. 4-13001

Page 13

At the Subdivision and Development Review Committee meeting on September 27, 2013, concern was raised regarding the proposed location of the outfall structures at the same point where an existing sewer easement is located. It was advised that the location of the outfalls be revised to a location beyond the easements to prevent any erosion around the on-site sewer line.

The revised letter of justification and the TCP1 requested impacts to the PMA. These impacts are for the installation of one sewer line connection and two stormwater outfall structures. The revised letter and plan proposed a relocation of the outfalls outside the easements of the sewer line. These three impacts will cause 9,934 square feet of disturbance to the wooded PMA and 6,317 square feet of stream buffer impact.

The proposed impacts are supported because they are necessary for development and have been minimized to ensure that adequate drainage conveyance will be provided to direct stormwater from two stormwater management systems to the adjacent on-site regulated stream. The revision to extend the outfall beyond the existing sewer line is also supported.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impact areas that are approved for the construction of one sewer line connection and two stormwater outfall structures in the PMA because these impacts cannot be avoided.

9. **Variance to Section 25-122(b)(1)(G)**—Type 1 tree conservation plan (TCP1) applications are required to meet all of the requirements of Subtitle 25, Division 2 (the Woodland and Wildlife Habitat Conservation Ordinance (WCO)), which includes preservation of specimen trees pursuant to Section 25-122(b)(1)(G) which states:

Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual.

If after careful consideration has been given to preservation of the specimen trees, there remains a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of the WCO provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of the Code of Maryland Regulations (COMAR). An application for a variance must be accompanied by a letter of justification stating the reasons for the request and how the request meets each of the required findings.

PGCPB No. 13-139

File No. 4-13001

Page 14

A Subtitle 25 variance application and a statement of justification in support of a variance were submitted by the applicant and were stamped as received by the Environmental Planning Section on May 13, 2013.

Currently, the specimen tree table on the TCPI needs to be revised to show the removal of two of the eight on-site specimen trees. The limits of disturbance on the plan also show that these two trees (6 and 8) are to be removed. These two trees are both Tulip Poplars that are 32 inches at diameter at breast height, but one is in fair condition and the other is in good condition.

Section 25-119(d) of the WCO contains six required findings [**text in bold**] to be made before a variance can be granted. The letter of justification submitted seeks to address the required findings for two specimen trees as a group; however, details specific to individual trees has also been provided. The approach to the analysis is supported because there are similar concerns for both trees with respect to the required findings and because the location, species, and condition of the trees have been assessed separately as necessary.

(A) Special conditions peculiar to the property have caused the unwarranted hardship;

The property has a unique L-shape with a large portion of the site within an environmentally-regulated area. The property is divided by a stream system and its associated buffers into two upland areas to the west and north. Therefore, the proposed development can only be concentrated in these two upland areas.

The two trees proposed for removal are located on the western upland side of the stream. This western upland area was part of a gravel mining operation in the 1960s. Tulip Poplar, the dominant tree species, has grown back since the pit operation stopped and the quick-growing pioneering species took rapidly and dominated the stand. These quick-growing trees do not have a strong root system and cannot tolerate disturbance activities well. Due to the L-shape of the property with the large environmentally-regulated area at the central portion of the site, the site has been condensed as much as practical to two developable areas to the west and north. To grade the existing contours for level pad sites, parking areas, and stormwater management, two specimen trees at the western portion of site cannot be avoided and will need to be removed. These conditions are not shared with the adjoining properties and are particular to the subject property.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas;

The development is focused away from the most sensitive areas of the site. Enforcement of these rules would deprive the applicant in implementing the project in the most developable area of the site. If other properties include trees in similar locations and in similar conditions on a site, the same considerations would be provided during the review of the required variance application.

PGCPB No. 13-139
File No. 4-13001
Page 15

- (C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants;**

The proposed grading in the location of the specimen trees is necessary to bring the site to a developable grade to create positive drainage and reduce impacts to more sensitive areas of the site. These two trees are located west of the stream on the site and their preservation would preclude reasonable development of the site. If other properties include trees in similar locations and in similar conditions on a site, the same considerations would be provided during the review of the required variance application. Approval of this variance will not constitute a special privilege to the applicant.

- (D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

The applicant has taken no action to date on the subject property.

- (E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and**

The requested variance does not arise from a condition relating to the land or building use, either permitted or nonconforming on a neighboring property. There are no existing conditions on the neighboring properties that have any impact on the location or size of the trees.

- (F) Granting of the variance will not adversely affect water quality;**

Granting the variance to remove the specimen trees will not directly affect water quality because the reduction in tree cover caused by specimen tree removal is minimal. Specific requirements regarding stormwater management for the site will be further reviewed by the Prince George's County Department of Permitting, Inspection and Enforcement (DPIE).

Based on the preceding analysis, the required findings of Section 25-119(d) have been addressed for the removal of two specimen trees based on the information provided, and the variance is approved for the removal of Specimen Trees 6 and 8, and the preservation of Specimen Trees 1, 2, 3, 4, 5, and 7.

10. **Stormwater Management**—DPIE has determined that on-site stormwater management is required. A Stormwater Management Concept Letter, 11586-2010-00, for proposed Parcels 1 and 2 was approved on October 11, 2013 and is valid until October 11, 2016. A Stormwater Management Concept Letter, 6782-2013-00, for proposed Parcel 3 was approved on April 2, 2013 and is valid until April 2, 2016. The applicant proposes one stormwater management pond, one large bioretention, and six micro-bioretention facilities to handle stormwater management for the entire project. A fee in lieu of on-site attenuation /quality control measures is also required. As part

PGCPB No. 13-139

File No. 4-13001

Page 16

of the approval, the developer has to remove the existing under-sized culvert at Dower House Road and replace it with a properly engineered culvert. Development must be in accordance with the approved plan or any subsequent revisions.

The approved stormwater management concept plan is required to be designed in conformance with any approved watershed management plan, pursuant to Subtitle 32, Water Resources and Protection; Division 3, Stormwater Management Plan; Section 172, Watershed Management Planning, of the County Code. As such, the requirement of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan, has been addressed with the approval of the stormwater management concept plan by DPIE.

11. **Parks and Recreation**—In accordance with Section 24-134(a)(3)(B) of the Subdivision Regulations, the subdivision is not applicable for mandatory dedication of parkland because the development proposed is nonresidential.
12. **Trails**—This PPS has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the appropriate area master plan, and CB-2-2012 in order to implement planned trails, bikeways, and pedestrian improvements.

The MPOT, Complete Streets Section, Policy 2, recommends that all road frontage improvements and road capital improvement projects within the Developed and Developing tiers be designed to accommodate all modes of transportation, and that continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The MPOT recommends that Old Marlboro Pike contain a shared-use road for bicyclists. Old Marlboro Pike can be shared by motorists and bicycles. Sufficient rights-of-way exist for the development of bikeways without the need for additional dedication. However, additional dedication is recommended for conformance to the 2013 Subregion 6 Master Plan.

The MPOT recommends that Dower House Road contain bikeways and that a natural surface trail be considered in this area to connect Dower House Road to points east. Dower House Road is currently an open-section road with no bicycle lanes planned or proposed as part of a capital improvement project. Sufficient rights-of-way exist for the development of bikeways by others without the need for additional dedication when implementation is determined desirable.

The Subregion 6 Master Plan identifies a planned stream valley park across the southern portion of this property. This property is part of the planned Charles Branch Stream Valley Park where a hiker/equestrian trail is proposed to be part of a continuous stream valley trail network. A few natural surface trails have been implemented in the past along several properties that are east of the subject property. These hiker/equestrian trail easements are approximately 75 feet wide at the widest sections and have been recorded on plats of the Windsor Park Subdivision (Plat Book NLP 134-92 to 134-95) and the Belmont Crest Subdivision (Plat Book REP 208-95) to the east of

PGCPB No. 13-139
File No. 4-13001
Page 17

the site. The trail easement is intended for equestrian users. This hiker/equestrian trail will link to additional existing and planned equestrian trails and ultimately to park properties to the southeast. The applicant has proposed a 75-foot-wide public hiker/equestrian trail easement through the subject property in the alignment of the master plan trail.

Further review found that the properties between the site and the existing easement have been through a preliminary plan of subdivision and have been recorded, and no easement for a hiker/equestrian trail was placed on these properties. So the possible linkage for the trail will not occur in the near or reasonable future. Therefore it is not appropriate for a trail easement to be place on this site with an industrial use and does not have any future connection to other trails.

Review of Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors

Council Bill CB-2-2012 (Section 24-124.01 of the Subdivision Regulations) was adopted by the County Council on April 24, 2012 and approved by the County Executive on May 3, 2012. Council Bill CB-2-2012 is legislation concerning "Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors." It went into effect on June 1, 2013 and applies to subdivision applications accepted after that date within county centers and corridors. The bill contains criteria for determining bicycle and pedestrian adequacy, includes examples of the types of bicycle and pedestrian facilities that can be required by the Planning Board, enables the Planning Board to require off-site bicycle and pedestrian improvements, and directs the Planning Department to develop guidelines for determining bicycle and pedestrian adequacy. In response to this legislation, the Planning Board adopted the "Transportation Review Guidelines, Part 2" (Guidelines, Part 2) on May 30, 2013. These guidelines implement the requirements of CB-2-2012, provide additional guidance regarding complete streets, and incorporate the process by which bicycle and pedestrian adequacy will be found.

The subject property is partially situated, at the northern portion of the site, within the Pennsylvania Avenue Corridor boundary as designated in the General Plan. This PPS is therefore subject to the adequate public facilities review procedures that are described in Section 24-124.01 of the Subdivision Regulations, which applies to any development project requiring the subdivision or re-subdivision of land within centers and corridors. Section 24-124(c) and (d) includes the following guidance regarding pedestrian and bikeway improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or biking distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available public rights of way. The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or**

PGCPB No. 13-139
File No. 4-13001
Page 18

commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

In accordance with the Guidelines, Part 2, the applicant has met with the Transportation Planning Section (M-NCPPC), the Department of Public Works and Transportation (DPW&T), and DPIE. A scoping agreement was signed by the Transportation Planning Section and a bicycle and pedestrian impact statement (BPIS) was submitted on October 15, 2013.

In terms of evaluating the value of the off-site improvements within one-half mile of this subdivision, the assessment was based on the 35 cents per gross-square-foot because the proposed development is a nonresidential use. The BPIS' assessed value of the off-site improvement for the proposed development submitted by the applicant is \$42,875. Council Bill CB-2-2012 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required (Section 24-124.01(d)):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 2. **installing or improving streetlights;**
 3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 4. **providing sidewalks or designated walkways through large expanses of surface parking;**
 5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 6. **installing street trees.**

DPW&T, DPIE, and M-NCPPC met to review the extent of the off-site pedestrian and bikeway improvements within one-half mile of the subject subdivision. In evaluating the pedestrian and bikeway facilities within the half-mile area, it was determined that a rational nexus can be made between the subject site and the nearest bus stop on Marlboro Pike, located north across Old Marlboro Pike from the site. The bus stop does not have a shelter and there are no sidewalks or curb and gutter on Marlboro Pike. The required infrastructure on Marlboro Pike to support an improved bus stop at that location will exceed the BPIS assessed value of the off-site improvements for the proposed development on this site. The cost to implement the required

PGCPB No. 13-139
File No. 4-13001
Page 19

infrastructure on Marlboro Pike and the bus shelter will not be proportional to the impact that the proposed development will have on the pedestrian and bikeway system within the half-mile area. Therefore, off-site improvements for infrastructure and a bus stop on Marlboro Pike are not recommended for the subject subdivision.

It was determined that a rational nexus and proportional cost of impact can be made for off-site sidewalk improvements on Old Pike Way for the subject subdivision. Therefore, a sidewalk should be provided along the subject property's frontage on Old Pike Way and extending off-site to Dower House Road along the south side of Old Pike way to connect to the existing sidewalk on Dower House Road. Frontage improvements are recommended for Old Marlboro Pike at the subject property frontage.

Review of Criteria for Adequate Bicycle and Pedestrian Facilities

Council Bill CB-2-2012 (Section 24-124.01 of the Subdivision Regulations) requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities prior to approval of the PPS. Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed. As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
- (1) **The finding of adequate public pedestrian facilities shall, at a minimum, include the following criteria:**

 - (A) **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area.**

There are few sidewalks within the half-mile area that surrounds the subject property. Sidewalks and curb and gutter that do exist are intermittent. Sidewalks exist on an adjacent property to the west of the subject site, but there are gaps on Old Marlboro Pike. There is sidewalk on the north side of Old Pike Way. The applicant proposes a sidewalk along the site's frontage on Old Marlboro Pike and Old Pike Way.

PGCPB No. 13-139
File No. 4-13001
Page 20

There is no bus service on Old Marlboro Pike and Old Pike Way. There is bus service on Marlboro Pike, and it is improved with curb and gutter, sidewalks, and a covered bus shelter along the north side of the street. There is an uncovered bus stop on the south side of the road, but this south side does not contain sidewalks, and it is not improved with curb and gutter.

There are no capital improvement projects at this time that would improve the intermittent streetscape features on Old Marlboro Pike, nor on the south side of Marlboro Pike where they are missing. A covered bus stop is not recommended at this time on Marlboro Pike because the road is not improved with curb and gutter, or sidewalk. There are no county capital improvement projects at this time to construct improvements, which would make an improved bus shelter accessible.

In addition, Marlboro Pike is planned to be closed in the future and have traffic diverted to Old Marlboro Pike.

Crosswalks are not proposed in the vicinity of the subject application as there is no traffic signal at the intersection of Old Marlboro Pike and Marlboro Pike.

The applicant's cost for off-site improvements enabled by Section 24-124.01 of the Subdivision Regulations could pay for an improved bus shelter, but not for the entirety of improvements needed to make the shelter safely accessible, as determined in consultation with DPW&T.

(B) the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage).

As described above, these elements exist sporadically within the half-mile area. The north side of Marlboro Pike, across from the subject property, is improved with landscaping, lighting, curb and gutter, sidewalks, and a covered bus shelter. The south side of Marlboro Pike does not contain sidewalks, and there are no signalized intersections or crosswalks at this location. There are no county capital improvement projects at this time to construct crosswalks or mid-block crossings.

PGCPB No. 13-139
File No. 4-13001
Page 21

(2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:

(A) the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;

No bikeways have been constructed in the area. The MPOT recommends that both Marlboro Pike and Old Marlboro Pike contain a shared-use road and other bikeway elements for bicyclists.

Today, bicyclists have to share the road with vehicles in undesignated portions of the roads. In the future, Marlboro Pike may be closed at Dower House Road, and future traffic will be distributed to a new intersection at Old Marlboro Pike and Dower House Road as part of the capital improvement project by the county. Bikeways may be constructed by the county at that time. Sufficient dedication of property is proposed by the applicant that would allow bikeways to be constructed.

The MPOT recommends that Dower House Road contain bicycle lanes and a natural surface trail is recommended that would connect Dower House Road to existing trail easements at points east of Dower House Road. The road is currently an open-section road with no bicycle lanes. Bicycle lanes are not proposed as part of a capital improvement project at this time. Sufficient rights-of-way exist for the development of bicycle lanes without the need for additional dedication by the applicant.

Natural surface trail easements exist east of the subject property and are recommended to be extended to Dower House Road in the Subregion 6 Master Plan. The trail is intended for equestrian users, and primarily traverses the stream valley area.

(B) the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;

There are no bicycle lanes in this area. Bicycle lanes and shared road bikeway elements, such as signage, striping, and paving, may be constructed in the future when Marlboro Pike is closed at Dower House Road to implement the functional master plan recommendation for bicycle lanes.

PGCPB No. 13-139
File No. 4-13001
Page 22

- (C) **the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**

There is no on-street parking on Marlboro Pike, Old Marlboro Pike, or Dower House Road. There are no bicycle lanes for bicyclists in this area. There is limited road shoulder on Marlboro Pike for bicyclists. On-street vehicle parking could be considered in the future on Marlboro Pike or Old Marlboro Pike when capital improvement projects are initiated. Bicycle lanes and/or shared-road bikeway elements, such as signage, striping, and paving, may be constructed by others in the future.

- (D) **the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

As described above, these elements exist sporadically within the half-mile area. There are no bikeways that have been implemented in the area. Bikeways for Dower House Road, Marlboro Pike, and Old Marlboro Pike could be considered in the future.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Sections 24-123 and 24-124.01 of the Subdivision Regulations.

13. **Transportation**—The property is located east of Dower House Road and south of Old Marlboro Pike. The applicant proposes a 122,500-square-foot development consisting of warehouse, office, and construction yard uses.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movement using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor street is computed if delay exceeds 50 seconds; (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. Once the CLV exceeds 1,150 for

PGCPB No. 13-139

File No. 4-13001

Page 23

the intersection, this is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

A traffic study was submitted. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals" (Guidelines).

Analysis of Traffic Impacts

These proposed uses will generate a net total of 49 (39 in, 10 out) AM peak hour trips, and 49 (10 in, 39 out) PM peak hour trips. These trip projections were determined using the "Transportation Review Guidelines, Part 1." The traffic generated by the proposed PPS would impact the following intersections:

- Dower House Road and Old Pike Way
- Dower House Road and Buttercup Lane
- Dower House Road and Old Marlboro Pike

None of the above intersections are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program (CTP) or the Prince George's County Capital Improvement Program (CIP).

Pursuant to the scoping agreement between the applicant and the Transportation Planning Section, the traffic impact study identified the following intersections as the ones on which the proposed development would have the most impact:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 - Dower House Road and Old Marlboro Pike*	14.3 seconds	13.4 seconds
2 - Dower House Road and Old Pike Way*	11.7 seconds	11.4 seconds
3 - Dower House Road and Buttercup Lane*	9.7 seconds	17.7 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the Guidelines.		

PGCPB No. 13-139

File No. 4-13001

Page 24

The traffic study identified five background developments (including Westphalia Town Center) whose impact would affect the study intersections. Additionally, an annual growth rate of one percent per year (for three years) was applied to the existing traffic counts along Dower House Road. A second analysis was done to evaluate the impact of background developments on the existing infrastructure. By definition, a background analysis evaluates traffic by combining existing traffic with projected traffic from approved developments. The analysis revealed the following results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 - Dower House Road and Old Marlboro Pike*	82.5 seconds	41.7 seconds
2 - Dower House Road and Old Pike Way*	23.5 seconds	23.0 seconds
3 - Dower House Road and Buttercup Lane*	122.8 seconds	402.8 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the Guidelines.		

Using trip generation rates from the "Transportation Review Guidelines, Part 1," the study has determined that the proposed development, based on the above-mentioned use, would generate a net total of 49 (39 in, 10 out) AM peak hour trips and 49 (10 in, 39 out) PM peak hour trips. Using these site-generated trips, an analysis of total traffic conditions was done and the following results were determined:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV/Delay)	(LOS/CLV/Delay)
1 - Dower House Road and Old Marlboro Pike*	94.8 seconds	44.9 seconds
2 - Dower House Road and Old Pike Way*	22.2 seconds	23.0 seconds
3 - Dower House Road and Buttercup Lane*	129.7 seconds	411.1 seconds
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A delay of 50 seconds/car is deemed acceptable. For signalized intersections, a CLV of 1,450 or less is deemed acceptable as per the Guidelines.		

The results shown in the table above have indicated that the intersections of Dower House Road with Old Marlboro Pike, as well as Buttercup Lane, will operate with delays in excess of 50 seconds/vehicle. Pursuant to the revised Guidelines, when unsignalized intersections have a movement exceeding 50 seconds, and there is a minor street with an approach peak volume in

PGCPB No. 13-139

File No. 4-13001

Page 25

excess of 100 vehicles, a second analysis using the CLV methodology must be done. To that end, a second analysis for these intersections was done, and the following results were determined.

TOTAL CONDITIONS <i>with CLV analysis</i>		
Intersection	AM	PM
	LOS/CLV	LOS/CLV
1 - Dower House Road and Old Marlboro Pike	A/839	B/1001
3 - Dower House Road and Buttercup Lane	A/801	B/1062

The results above show that both intersections, when analyzed with the CLV procedure, operate with a CLV of less than 1,150. Pursuant to the Guidelines, unsignalized intersections, when evaluated under these conditions, are deemed to be adequate.

The Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA)

In reviewing the traffic study, DPW&T had some specific concerns that were outlined in a memorandum dated October 8, 2013 (Issayans to Burton). In light of DPW&T's memorandum, the applicant has provided a revised traffic study dated October 24, 2013, in which those concerns were addressed. The following are DPW&T comments (**in bold**):

- **We are assuming that exclusion of the intersections of Dower House Road at Marlboro Pike and Dower House Road at Pennsylvania Avenue (MD 4) from this study were due to the proposed termination of Marlboro Pike at Dower House Road. If so, we concur with the decision to exclude these intersections from the scope of study. Otherwise, we are concerned as to why these intersections were not analyzed.**

These intersections did not meet the criteria for consideration as critical intersections. Consequently, they were not included in the approved scope for traffic study.

- **A two percent heavy vehicle rate for the new warehouse is not feasible for this study. Field observations indicated higher heavy vehicular volumes along Dower House Road. The consultant should have used a higher heavy vehicle percent rate for the Highway Capacity Manual (HCM) capacity analysis at all study intersections.**

The traffic study was revised to reflect a ten percent heavy vehicle rate.

- **The background development trips (shown within Exhibit 7) did not specify the precise background developments obtained from Exhibits C-0 and 6. The consultant should specify the precise background development trips incorporated in the study within the report write-up as shown in the appendix. In addition, the consultant should also kindly label and match all background development descriptions and locations on the map shown within Exhibit C-0.**

PGCPB No. 13-139
File No. 4-13001
Page 26

This issue was resolved in the revised traffic study.

- **The consultant should double check all calculated peak-hour factor (PHF) used for the HCM capacity analysis to ensure appropriate adjustments to the existing traffic volumes.**

This issue was resolved in the revised traffic study.

- **We concur with the use of the HCM methodology for all unsignalized intersections capacity analysis. However, the Transportation Review Guidelines suggest performing a two-phase operational CLV analysis where movements at unsignalized intersections have delays exceeding 50 seconds and at least one minor street approach having volumes exceeding 100 vehicles per hour during the peak periods. In addition, page 37 of the Transportation Review Guidelines states that, “intersections operating at a CLV of 1,150 or better shall be deemed adequate at unsignalized intersections.” The 2016 total traffic HCM capacity analysis in the AM peak period shows delays exceeding 50 seconds for the westbound approach at the intersections of Dower House Road at Old Marlboro Pike and Dower House Road at Buttercup Lane. Similarly, the PM peak period 2016 total traffic HCM capacity analysis shows delays exceeding 50 seconds for the southbound approach at Dower House Road and Buttercup Lane, with their respective volumes exceeding 100 vehicles per hour. The consultant should perform a CLV analysis for 2016 total traffic conditions to determine if the study intersections operate adequately using the Transportation Review Guidelines.**

The appropriate intersections were evaluated with the CLV methodology and all intersections were found to have a CLV of 1,150 or better.

- **The consultant should determine and present alternative measures that alleviate the delays and failing LOS at the intersections of Dower House Road at Old Marlboro Pike and Dower House Road at Buttercup Lane.**
- **The consultant should clarify the movements experiencing delays exceeding 50 seconds at the intersection of Dower House Road at Old Marlboro Pike and Dower House Road at Buttercup Lane within the report write-up.**

These last two issues were evaluated and addressed in the revised study.

In reviewing the comments from DPW&T, the Transportation Planning Section is in general agreement with the comments. The overall study conclusions that all of the study intersections will operate within acceptable limits is supported.

PGCPB No. 13-139
 File No. 4-13001
 Page 27

In an October 16, 2013 memorandum to staff (Foster to Nguyen) from SHA, Steve Foster noted **(in bold)** the following:

- **SHA has no objection to the approval of the PPS. Should Prince George's County require a traffic impact study, SHA requests inclusion in the scoping efforts to address impacts to Woodyard Road (MD 223) and MD 4.**

SHA was not included in the scoping and subsequent review of the traffic study, since none of the three critical intersections was a state-maintained facility.

Master Plan Roadway

The property fronts on Old Pike Way to the west, as well as Old Marlboro Pike to the north. Old Pike Way is a 70-foot-wide dedicated (REP 210-9) public right-of-way and is not identified as a master plan right-of-way. Old Marlboro Pike is designated as a collector roadway in the 2013 Subregion 6 Master Plan and SMA. A dedication of 40 feet from the center line of Old Marlboro Pike is required.

The PPS proposes two access drives onto Old Pike Way, one each for Parcels 1 and 2, and one access drive onto Old Marlboro Pike for Parcel 3. Each parcel will have frontage on and direct access to a dedicated public right-of-way.

Based on the preceding findings, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

14. **Schools**—The proposed PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the Adequate Public Facilities Regulations for Schools (Council Resolutions CR-23-2001 and CR-38-2002), and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
15. **Fire and Rescue**—The proposed PPS has been reviewed for adequacy of fire and rescue services in accordance with Sections 24-122.01(d) and 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations:

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
23	Forestville	Engine	8321 Old Marlboro Pike	3.35	3.25	Beyond
23	Forestville	Ladder Truck	8321 Old Marlboro Pike	3.25	4.25	Within
23	Forestville	Ambulance	8321 Old Marlboro Pike	3.25	4.25	Within
20	Marlboro	Paramedic	14815 Pratt Street	6.95	7.25	Within

PGCPB No. 13-139
File No. 4-13001
Page 28

In order to alleviate the negative impact on fire and rescue services noted above, an automatic fire suppression system should be provided in all new buildings proposed in this subdivision unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Capital Improvement Program (CIP)

The Capital Improvement Program for Fiscal Years 2013–2018 provides funding for replacing existing Forestville Fire/EMS Station 23 at 8321 Old Marlboro Pike.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

16. **Police Facilities**—The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department, and the July 1, 2012 (U.S. Census Bureau) county population estimate is 881,138. Using 141 square feet per 1,000 residents, it calculates to 124,240 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
17. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed this property in dormant water and sewer Category 3, Community System Adequate for Development Planning. A renewal of water and sewer Category 3, obtained through the administrative amendment procedure, must be approved for the site prior to recordation of a final plat.

Water and sewer lines abut the property in public streets, and a sewer line traverses the property. Water and sewer line extensions and/or an on-site system may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission.

18. **Health Department**—The Prince George's County Health Department has evaluated the proposed PPS and offered the following comments:

Miscellaneous solid waste materials (tire pile, household debris) must be collected and properly disposed via a tire reclamation firm and/or to the municipal waste landfill.

19. **Public Utility Easement**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

PGCPB No. 13-139
File No. 4-13001
Page 29

The PPS correctly delineates a ten-foot-wide public utility easement along the public rights-of-way as requested by the utility companies.

20. **Historic**—A Phase I archeological survey is not recommended on the above-referenced 43.97-acre property located 100 feet west of the intersection of Marlboro Pike and Old Marlboro Pike in Upper Marlboro, Maryland. The subject property was extensively mined for sand and gravel in the 1960s. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. This proposal will not impact any historic sites, historic resources, documented properties, or known archeological sites.
21. **Use Conversion**—The subject application is proposing warehouses, office, and a construction yard in the I-4 Zone. If a substantial revision to the mix of uses on the subject property is proposed that significantly affects Subtitle 24 adequacy findings, that revision may require the approval of a new PPS prior to approval of any building permits.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey and Hewlett voting in favor of the motion, and with Commissioner Shoaff and Washington absent at its regular meeting held on Thursday, November 21, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 12th day of December 2013.

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

12/4/13

Patricia Colihan Barney
Executive Director

By

Jessica Jones

Jessica Jones

Planning Board Administrator

PCB:JJ:QN:arj